



BEST AVAILABLE COPY

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/611,934
Filing Date	07/03/2003
First Named Inventor	Sadao KANBE
Art Unit	1762
Examiner Name	B. Talbot
Attorney Docket Number	45360

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 18-2220. A duplicate copy of this sheet is attached. [X] Any additional excess claim fees under 37 C.F.R. § 1.16. [X] Any additional patent application processing fees under 37 C.F.R. § 1.17.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Roylance, Abrams, Berdo & Goodman, L.L.P. (Customer No. 001609)		
Signature			
Printed name	Garrett V. Davis		
Date	07/14/2006	Reg. No.	32,023

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

45360

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Sadao KANBE et al.	:	Art Unit: 1762
Serial No.: 10/611,934	:	Examiner: B. Talbot
Filed: July 3, 2003	:	
For: MICROCAPSULE COMPOSITION	:	
FOR ELECTROPHORETIC DISPLAYS	:	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the June 20, 2006 Office Action, claims 1-8 are restricted to the Group I claims, including claims 1-3 directed to a microcapsule composition, Group II, including claims 4-6 and 8 directed to a process of forming a microcapsule composition, and Group III, including claim 7 directed to a process for forming an electrophoretic display.

Applicants provisionally elect the Group I claims, including claims 1-3 directed to the microcapsule composition. This election is made with traverse.

The Action suggests that the Groups I and II claims are distinct inventions since the process allegedly can be used to make a materially different product. The Action states that the process can make a different composition whereby the microcapsule content is outside the range of 30-80% by weight with the aid of a drying step. Applicants respectfully disagree. Claim 1 specifically recites that the product is obtained without the drying step and that the resulting microcapsule content is 30-80% by weight. The process of claim 4 also recites the

composition having a microcapsule content of 30-80% by weight without a drying step. Therefore, the process of claim 4 cannot be used to make a materially different product as suggested in the Action. Furthermore, the suggestion in the Action that a materially different product can be obtained with the aid of a drying step is contrary to the specific language of the claims. Claims 1 and 4 specifically recite that the microcapsules are obtained without a drying step.

Claim 7 is directed to a process of forming a sheet for electrophoretic displays. Claim 7 is not directed to a process for forming electrophoretic displays as suggested in the Action. Furthermore, claim 8 is not directed to a process of forming a microcapsule composition, but instead, is directed to a handling method for microcapsules for electrophoretic displays. Claim 8 is not directed to a process of forming a microcapsule composition as suggested in the Action.

In view of the above, Applicants submit that the restriction between the Group I and Group II claims should be withdrawn. Prompt and favorable examination is requested.

Respectfully submitted,



Garrett V. Davis
Reg. No. 32,023

Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, D.C. 20036-1649
(202) 659-9076

Dated: July 19, 2006